REMARKS

After entry of this amendment, claims 33, 38, 40, and 42-55 are pending, of which claims 53-55 are withdrawn. Claims 34-37, 39 and 41 are cancelled without prejudice or disclaimer. The subject matter of claims 39 and 41 has been incorporated into claim 33. The amendment to claim 33 finds further support in original claim 9 and in the specification, for example, at page 3, lines 22-24 and 29-30. New claim 56 corresponds to the subject matter of former claims 33 and 39 and finds further support in the specification, for example, at page 3, lines 22-24. New claim 57 corresponds to the subject matter of former claims 33 and 41 and finds further support in the specification, for example, at page 3, lines 29-30. No new matter has been added.

In the amendment to the specification, the heading and associated paragraph referencing the related applications already of record have been added. No new matter has been added.

Should the claims be found allowable, the withdrawn claims which depend from or otherwise include all the limitations of an allowable claim are requested to be rejoined. See MPEP § 821.04.

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 35-37 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully disagree. However, in order to expedite prosecution, claims 35-37 have been cancelled without prejudice or disclaimer. Accordingly, the rejection is rendered moot. Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 33, 35, 36, 38, 42, 45, and 52 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Itoh *et al.* (U.S. Patent No. 5,080,917; hereinafter "Itoh"). Applicants respectfully traverse. Claims 35 and 36 were cancelled without disclaimer or prejudice. Accordingly, the rejections as to claims 35 and 36 are rendered moot.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987). "Rejections under 35 U.S.C.S. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention. The prior art reference must clearly and unequivocally disclose the claimed invention or direct those skilled in the art to the invention without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference." *Net MoneyIN Inc. v. VeriSign Inc.*, 545 F.3d 1359 (Fed. Cir. 2008) (holding "that unless a reference discloses within the four corners of the document not only all the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.").

The subject matter relating to the polyolefins of claim 39 and of claim 41 has been incorporated into independent claim 33, without disclaimer or prejudice. Itoh does not disclose the polyolefin limitations of claim 39 nor the limitations of claim 41, as acknowledged by the Examiner, since neither claim 39 nor claim 41 were included in the rejection. Thus, Itoh does not disclose or teach all the limitations of the present claims. Because Itoh does not teach every limitation of the claims, Itoh does not anticipate the present claims. See *Gechter v. Davidson*, 116 F.3d 1454, 1460 (Fed. Cir. 1997) ("[T]o hold that a prior art reference anticipates a claim, the Board must expressly find that every limitation in the claim was identically shown in the single reference."). Reconsideration and withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claim 37 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Itoh in view of Thoma *et al.* (1999; hereinafter "Thoma"). Applicants respectfully disagree. However, in order to expedite prosecution, claim 37 is cancelled without disclaimer or prejudice.

Accordingly, the rejection is rendered moot. Withdrawal of the rejection is respectfully requested.

Double Patenting

Claims 33-52 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1, 2, 4-8, 12-18 and 20-26 of U.S. Application Serial No. 10/500,144, now issued as U.S. Patent No. 7,501,269. In order to expedite prosecution, Applicants enclose herewith a terminal disclaimer believed to be in compliance with 37 CFR § 1.321(c). Withdrawal of the rejection is respectfully requested in light of the terminal disclaimer.

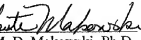
CONCLUSION

For at least the above reasons, Applicants respectfully request withdrawal of the rejections and allowance of the claims. If any outstanding issues remain, the Examiner is invited to telephone the undersigned at the number given below.

Should the claims be found allowable, the withdrawn claims are respectfully requested to be rejoined as explained above.

This response is filed within the three-month period for response from the mailing of the Office Action, to and including March 23, 2009. Applicants have authorized the appropriate terminal disclaimer fee under 37 CFR § 1.20(d). No further fee is believed due. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00749-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski, Ph.D.
Registration No.: 55,421
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicants

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